

WEDNESDAY, MARCH 6, 1991

EIGHTEENTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Michael Hughes, Centerville, Tennessee.

Representative Doug Jackson led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Stamps; due to illness.

REPORT OF COMMITTEE ON CALENDAR AND RULES

March 5, 1991

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Wednesday, March 6, 1991**: House Bill(s) No(s). 8, 9, 152, 174, 170, 284 and 679.

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We have also set the following bills on the **Regular Calendar** for **Thursday, March 7, 1991**: House Bill(s) No(s). 645, 722, 799, 738, 1104, 576, 548, 741, 251 and 778.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, March 11, 1991**: House Bill(s) No(s). 1257; also House Joint Resolution(s) No(s). 95 and 98.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

COMMERCE COMMITTEE

March 5, 1991

MR. SPEAKER: Your Commerce Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 570, 768, 770, 833, 896 and 965.

We further recommend that, pursuant to **Rule No. 72**, House Bill(s) No(s). 1276 be referred to the Finance, Ways and Means Committee.

RHINEHART, Chair.

Under the rules, House Bill(s) No(s). 570, 768, 770, 833, 896 and 965 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 1276 to the Finance, Ways and Means Committee.

CONSUMER AND EMPLOYEE AFFAIRS COMMITTEE

March 5, 1991

MR. SPEAKER: Your Consumer and Employee Affairs Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 183, 184, 185 and 186; for passage if amended: House Bill(s) No(s). 499, 869 and 875; for adoption: House Joint Resolution(s) No(s). 47.

CLARK, Chair.

Under the rules, House Bill(s) No(s). 183, 184, 185, 186, 499 with amendment, 869 with amendment and 875 with amendment; also, House Joint Resolution(s) No(s). 47 was/were transmitted to the Calendar and Rules Committee.

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EDUCATION COMMITTEE

March 5, 1991

MR. SPEAKER: Your Education Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 520 and 898; for passage if amended: House Bill(s) No(s). 275 and 620;

We further recommend that, pursuant to **Rule No. 72**, House Bill(s) No(s). 518 and 1485 be referred to the Finance, Ways and Means Committee.

DAVIDSON, Chair.

Under the rules, House Bill(s) No(s). 275 with amendment, 520, 620 with amendment and 898 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72** the Speaker referred House Bill(s) No(s). 518 and 1485 to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS COMMITTEE

March 5, 1991

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 133, 487 and 1038.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 133, 487 and 1038 was/were referred to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS COMMITTEE

March 5, 1991

MR. SPEAKER: Your Government Operations Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 247, 249 and 259; for passage if amended: House Bill(s) No(s). 243, 258 and 260.

KING, Chair.

Under the rules, House Bill(s) No(s). 243 with amendment, 247, 249, 258 with amendment, 259 and 260 with amendment was/were transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT COMMITTEE

March 5, 1991

MR. SPEAKER: Your State and Local Government Committee reports

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that we have carefully considered and recommend for passage: House Bill(s) No(s). 36, 66, 191, 293, 414, 416, 479, 600, 605, 609, 622, 940 and 1255; for passage if amended: House Bill(s) No(s). 71, 367, 374, 565, 730, 995 and 1413; for adoption: House Resolution(s) No(s). 14 and 15; House Joint Resolution(s) No(s). 70 and 93; for adoption if amended House Joint Resolution No(s). 14.

We further recommend that, pursuant to **Rule No. 72**, House Bill(s) No(s). 903 and 1088 be referred to the Finance, Ways and Means Committee, and that House Bill(s) No(s). 544 be referred if amended.

LOVE, Chair.

Under the rules, House Bill(s) No(s). 36, 66, 71 with amendment, 191, 293, 367 with amendment, 374 with amendment, 414, 416, 479, 565 with amendment, 600, 605, 609, 622, 730 with amendment, 940, 995 with amendment, 1255 and 1413 with amendment; House Resolution(s) No(s). 14 and 15; also, House Joint Resolution(s) No(s). 14 with amendment, 70 and 93; was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 544 with amendment, 903 and 1088 to the Finance, Ways and Means Committee.

TRANSPORTATION COMMITTEE

March 5, 1991

MR. SPEAKER: Your Transportation Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 287, 1044, 1267, 1381 and 1385; for passage if amended: House Bill(s) No(s). 958; for adoption: House Joint Resolution(s) No(s). 86.

We further recommend that, pursuant to **Rule No. 72**, House Bill(s) No(s). 873, 1264 and 1265 be referred to the Finance, Ways and Means Committee, and that House Bill(s) No(s). 564 be referred if amended.

ROBB ROBINSON, Chair.

Under the rules, House Bill(s) No(s). 287, 958 with amendment, 1044, 1267, 1381 and 1385; also, House Joint Resolution(s) No(s). 86 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 564 with amendment, 873, 1264 and 1265 to the Finance, Ways and Means Committee.

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**SIGNED
March 5, 1991**

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 116.

**MESSAGE FROM THE SENATE
March 5, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 104 and 107; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0104 -- Memorials, Public Service -- Rock-Tenn Company. by *Cooper.

Senate Joint Resolution No. 0107 -- Memorials, Recognition and Thanks -- Kathryn Passons. by *Burks.

**MESSAGE FROM THE SENATE
March 5, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 11, 207, 278, 329, 331, 421, 478, 484, 507, 515, 594, 596, 622, 672, 761, 769, 792, 866, 910, 914, 924, 1015, 1205, 1320 and 1462; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0011** -- Education -- Revises hearing requirement for suspension of students for certain periods. Amends TCA 49-6-3401. by *Springer.

***Senate Bill No. 0207** -- Taxes, Real Property -- Clarifies redemption rights of persons with interest in property sold for nonpayment of taxes. Amends TCA, Title 66, Ch. 8; Title 67, Ch. 5. by *Rochelle.

***Senate Bill No. 0278** -- Sewage -- Revises dates for certain types of subsurface sewage disposal system permits. Amends TCA, Title 68, Ch. 13, Pt. 4. by *McNally.

Senate Bill No. 0329 -- Sunset Laws -- Extends termination date of pest control compact. Amends TCA, Title 4, Ch. 29; Title 43, Ch. 6. by *Hicks.

Senate Bill No. 0331 -- Sunset Laws -- Extends termination date of local education insurance committee. Amends TCA, Title 3, Ch. 9; Title 4, Ch. 29; Title 8, Ch. 27; Title 9, Ch. 8. by *Hicks.

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***Senate Bill No. 0421** -- Auctions and Auctioneers -- Adds certain grounds for which license may be denied, suspended or revoked. Amends TCA, Title 55, Ch. 17, Pt. 1, 62-19-112. by *Darnell.

***Senate Bill No. 0478** -- Election Laws -- Expands eligibility for absentee voting. Amends TCA 2-6-102. by *Patten.

Senate Bill No. 0484 -- Consumer Protection -- Requires time share promoters to disclose certain information. Amends TCA 66-32-133. by *Cooper.

***Senate Bill No. 0507** -- Adoption -- Requires investigation when proposed parents are indigent. Amends TCA, Title 36, Ch. 1. by *Henry.

***Senate Bill No. 0515** -- Motor Vehicles, Titling and Registration -- Provides for staggered registration and renewal dates for handicapped plates. Amends TCA, Title 55, Chs. 4, 21. by *Henry.

***Senate Bill No. 0594** -- Sexual Offenses -- Revises law concerning certain sexual offenses. Amends TCA, Title 39, Ch. 13, Pt. 5, 39-13-501, 511. by *Haynes.

***Senate Bill No. 0596** -- Criminal Offenses -- Expands offense and punishment of aggravated assault and reckless homicide. Amends TCA 39-13-102; Title 39, Ch. 13, Pt. 2. by *Haynes.

Senate Bill No. 0622 -- County Officers -- Revises qualifications for chief administrative officers of county road departments. Amends TCA, Title 54, Ch. 7. by *Lawson.

***Senate Bill No. 0672** -- Alcoholic Beverages -- Requires non-resident seller permit holder to file affirmative statement that holder is not importing alcoholic beverages in violation of law. Amends TCA 57-3-605. by *Hamilton.

Senate Bill No. 0761 -- Municipal Government -- Broadens statutory authority governing security of surplus funds investments by municipalities and utility districts. Amends TCA 6-56-106, 7-82-108. by *Henry.

***Senate Bill No. 0769** -- Alcoholic Beverage Commission -- Expands enforcement authority. Amends TCA, Title 57, Ch. 1. by *Henry.

***Senate Bill No. 0792** -- Telecommunications -- Requires hearing on complaints of telephone service and rates. Amends TCA, Title 65, Ch. 4. by *Cooper.

***Senate Bill No. 0866** -- Election Laws -- Authorizes run-off elections in municipal elections under certain circumstances. Amends TCA 2-8-111, 6-53-104. by *Elsea.

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Senate Bill No. 0910 -- Election Laws -- Excludes Davidson County election commission from having to provide duplicate printout containing names and addresses of all eligible voters at polling place. Amends TCA 2-5-216. by *Hicks.

***Senate Bill No. 0914 -- Right to Die --** Removes prohibition against directing withdrawal of nourishment or fluids in living wills and durable powers of attorney. Amends TCA 32-11-103, 34-6-204. by *O'Brien, *Hamilton.

***Senate Bill No. 0924 -- Traffic Safety --** Removes warning citation for violation of safety belt law. Amends TCA 55-9-603. by *Montgomery, *Patten, *McNally, Albright, Gilbert.

***Senate Bill No. 1015 -- Civil Procedure --** Permits court to add wrongful death recovery to existing trust. Amends TCA 20-5-106. by *Gilbert, Atchley.

Senate Bill No. 1205 -- Pensions and Retirement Benefits -- Allows teaching at U.S. military facilities to be creditable service. Amends TCA, Title 8, Chs. 34--36. by *Dunavant, *Person.

Senate Bill No. 1320 -- Madison County -- Adds certain sheriff's department positions for classified service category. Amends Chapter 54, Private Acts 1983. by *McKnight.

Senate Bill No. 1462 -- Trenton -- Revises salary of mayor. Amends Chapter 551, Acts of 1903, as amended. by *McKnight.

**REPORT OF CHIEF ENGROSSING CLERK
March 5, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 727, 1123, 1176, 1295, 1469, 1497, 1499, 1500 and 1501; and House Joint Resolution(s) No(s). 102; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENROLLED BILLS
March 5, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 38 and 52; House Resolution(s) No(s). 13, 16 and 19; also, House Joint Resolution(s) No(s). 74, 105 and 108; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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**SIGNED
March 5, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 38 and 52; House Joint Resolution(s) No(s). 74, 105 and 108; also, House Resolution(s) No(s). 13, 16 and 19.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
March 5, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 114, 225, 333 and 735; also, Senate Joint Resolution(s) No(s). 85, 86, 90, 92, 93, 94, 95, 96 and 98.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
March 6, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Monday, March 11, 1991**: House Bill(s) No(s). 371, 203 and 267.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, March 11, 1991**: House Bill(s) No(s). 69 and 266.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

**CONSERVATION AND ENVIRONMENT COMMITTEE
March 6, 1991**

MR. SPEAKER: Your Conservation and Environment Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 336 and 549; for adoption: House Joint Resolution(s) No(s). 85.

We further recommend that, pursuant to **Rule No. 72**, House Bill(s) No(s). 771 be referred to the Finance, Ways and Means Committee.

HILLIS, Chair.

Under the rules, House Bill(s) No(s). 336 and 549; also House Joint Resolution(s) No(s). 85 was/were transmitted to the Calendar and Rules Committee.

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Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 771 to the Finance, Ways and Means Committee.

**JUDICIARY COMMITTEE
March 6, 1991**

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 268.

We further report that House Bill No. 1243 was considered but failed to pass.

BUCK, Chair.

Under the rules, House Bill(s) No(s). 268 with amendment was/were transmitted to the Calendar and Rules Committee.

RULES SUSPENDED

Rep. Tindell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 115 out of order, which motion prevailed.

House Joint Resolution No. 0115 -- Memorials, Sports -- Johnny Majors, University of Tennessee football. by *Tindell, *Armstrong, *Naifeh, *Ridgeway, *Severance, *Hill, *Bittle, *Davis J K, *Peroulas Draper, *Windle.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Tindell, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Walley,

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West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Joint Resolution No. 115 and have this statement entered in the Journal.

Rep. Richard Venable

BILL RETURN REQUESTED

Pursuant to Rule No. 54, Rep. Bragg moved that the Clerk request the return of Senate Bill No. 395 from the Senate, which motion prevailed.

REGULAR CALENDAR

House Bill No. 0327 -- Banks and Financial Institutions -- Increases amount of accounts or contents of safe deposit boxes that may be paid out under certain circumstances. Amends TCA 45-2-708.

Rep. Garrett moved that House Bill No. 327 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

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House Bill No. 0328 -- Insurance, Life -- Increases value of certain policies. Amends TCA 56-7-206.

Rep. Garrett moved that House Bill No. 328 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 96.

Representatives voting no were: Armstrong -- 1.

A motion to reconsider was tabled.

House Bill No. 0623 -- Fire Prevention and Investigation -- Reduces liability of insurance agency for information supplied to fire officials in cases of suspected arson. Similar to *SB 397/HB 614. Amends TCA 68-17-115.

Rep. Buck moved that House Bill No. 623 be reset one week to the Calendar for Wednesday, March 13, 1991, which motion prevailed.

House Bill No. 1333 -- Motor Vehicles -- Imposes \$1,000 fine for violating maximum bus length law. Amends TCA, Title 55, Ch. 7, Pt. 2.

Rep. Rhinehart moved that House Bill No. 1333 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross,

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Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 0832 -- Uniform Commercial Code -- Enacts Uniform Commercial Code - Funds Transfers. Amends TCA, Title 47.

On motion, House Bill No. 832 was made to conform with Senate Bill No. 849.

On motion, **Senate Bill No. 849**, on same subject, was substituted for House Bill No. 832.

Rep. Anderson moved that **Senate Bill No. 849** be passed on third and final consideration.

Rep. Anderson moved to amend as follows:

Amendment No. 1

AMEND Senate Bill No. 849 by inserting in the amendatory language of Section 1, Section 4A-105(a)(1), the words "of payment" between the words "as a source of payment" and the words "orders issued by the customer".

AND FURTHER AMEND by deleting from the amendatory language of Section 1, Section 4A-106(b), the word "actions" and by substituting instead the word "action".

AND FURTHER AMEND by adding to the amendatory language of Section 1, Section 4A-203, the following new subsection (b) as follows:

(b) This section applies to amendments of payment orders to the same extent it applies to payment orders.

AND FURTHER AMEND by deleting from the amendatory language of Section 1, Section 4A-205(a)(2), the word "extend" and by substituting instead the word "extent".

AND FURTHER AMEND by deleting from the amendatory language of Section 1, Section 4A-205(a)(3), the word "extend" and by

substituting instead the word "extent".

AND FURTHER AMEND by inserting in the amendatory language of Section 1, Section 4A-207(c)(2), a comma (,) between the words "that the originator" and the words "before acceptance".

AND FURTHER AMEND by inserting in the amendatory language of Section 1, Section 4A-208(a)(2), a period (.) after the words "execute the order".

AND FURTHER AMEND by deleting from the amendatory language of Section 1, Section 4A-212, in the third sentence the word "agreements" and by substituting instead the word "agreement".

AND FURTHER AMEND by deleting from the amendatory language of Section 1, Section 4A-304, in the second sentence, the words "execution order" and by substituting instead the words "execution error".

AND FURTHER AMEND by deleting from the amendatory language of Section 1, Section 4A-305 in its entirety and by substituting instead the following Sections 4A-305, 4A-401, 4A-402 and headings:

§ 4A-305. LIABILITY FOR LATE OR IMPROPER EXECUTION OR FAILURE TO EXECUTE PAYMENT ORDER

(a) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of Section 4A-302 results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection (c), additional damages are not recoverable.

(b) If execution of a payment order by a receiving bank in breach of Section 4A-302 results in (i) noncompletion of the funds transfer; (ii) failure to use an intermediary bank designated by the originator; or (iii) issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection (a), resulting from the improper execution. Except as provided in subsection (c), additional damages are not recoverable.

(c) In addition to the amounts payable under subsections (a) and (b), damages, including consequential damages, are recoverable to the extent provided in an express written agreement of the receiving bank.

(d) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the

receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express written agreement of the receiving bank, but are not otherwise recoverable.

(e) Reasonable attorney's fees are recoverable if demand for compensation under subsection (a) or (b) is made and refused before an action is brought on the claim. If a claim is made for breach of an agreement under subsection (d) and the agreement does not provide for damages, reasonable attorney's fees are recoverable if demand for compensation under subsection (d) is made and refused before an action is brought on the claim.

(f) Except as stated in this section, the liability of a receiving bank under subsections (a) and (b) may not be varied by agreement.

PART 4
PAYMENT

§ 4A-401. PAYMENT DATE

"Payment date" of a payment order means the day on which the amount of the order is payable to the beneficiary by the beneficiary's bank. The payment date may be determined by instruction of the sender but cannot be earlier than the day the order is received by the beneficiary's bank and, unless otherwise determined, is the day the order is received by the beneficiary's bank.

§ 4A-402. OBLIGATION OF SENDER TO PAY RECEIVING BANK

(a) This section is subject to Sections 4A-205 and 4A-207.

(b) With respect to a payment order issued to the beneficiary's bank, acceptance of the order by the bank obliges the sender to pay the bank the amount of the order, but payment is not due until the payment date of the order.

(c) This subsection is subject to subsection (e) and to Section 4A-303. With respect to a payment order issued to a receiving bank other than the beneficiary's bank, acceptance of the order by the receiving bank obliges the sender to pay the bank the amount of the sender's order. Payment by the sender is not due until the execution date of the sender's order. The obligation of that sender to pay its payment order is excused if the funds transfer is not completed by acceptance by the beneficiary's bank of a payment order instructing payment to the beneficiary of that sender's payment order.

(d) If the sender of a payment order pays the order and was not obliged to pay all or part of the amount paid, the bank receiving payment is obliged to refund payment to the extent the sender was not obliged to pay. Except as provided in Sections 4A-204 and 4A-304, interest is payable on the refundable amount from the date of payment.

(e) If a funds transfer is not completed as stated in subsection (c) and an intermediary bank is obliged to refund payment as stated in subsection (d) but is unable to do so because not permitted by applicable law or because the bank suspends payments, a sender in the funds transfer that executed a payment order in compliance with an instruction, as stated in Section 4A-302(a)(1), to route the funds transfer through that intermediary bank is entitled to receive or retain payment from the sender of the payment order that it accepted. The first sender in the funds transfer that issued an instruction requiring routing through that intermediary bank is subrogated to the right of the bank that paid the intermediary bank to refund as stated in subsection (d).

(f) The right of the sender of a payment order to be excused from the obligation to pay the order as stated in subsection (c) or to receive refund under subsection (d) may not be varied by agreement.

AND FURTHER AMEND by deleting from the amendatory language of Section 1, Section 4A-502(b), the words "the sender or a payment order" and by substituting instead the words "the sender of a payment order".

On motion, Amendment No. 1 was adopted.

Rep. West moved the previous question, which motion prevailed.

Thereupon, Rep. Anderson moved that **Senate Bill No. 849**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion,

WEDNESDAY, MARCH 6, 1991 -- EIGHTEENTH LEGISLATIVE DAY

Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1409 -- Taxes, Amusement -- Authorizes imposition of local amusement tax in Knoxville and Knox County. Repeals Chapter 776, Private Acts of 1947.

Rep. Davis (Knox) moved that **House Bill No. 1409** be referred to the State and Local Government Committee, which motion prevailed.

***House Bill No. 0008** -- Criminal Offenses -- Expands offense of reckless burning to include fires started by person on own property if fire escapes to property of another; prohibits certain fires in proximity to grasslands. Amends TCA 39-14-304, 306.

On motion, House Bill No. 8 was made to conform with Senate Bill No. 80.

On motion, **Senate Bill No. 80**, on same subject, was substituted for House Bill No. 8.

Rep. Hillis moved that **Senate Bill No. 80** be passed on third and final consideration.

Rep. Hillis moved that Senate Bill No. 80 be reset to the Calendar for Thursday, March 7, 1991, which motion prevailed.

***House Bill No. 0009** -- Criminal Procedure -- Authorizes forestry officers to use citations in lieu of arrest. Amends TCA, Title 11, Ch. 4, Pt. 3; Title 40, Ch. 7, Pt. 1.

On motion, House Bill No. 9 was made to conform with Senate Bill No. 79.

On motion, **Senate Bill No. 79**, on same subject, was substituted for House Bill No. 9.

Rep. Hillis moved that **Senate Bill No. 79** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross,

WEDNESDAY, MARCH 6, 1991 -- EIGHTEENTH LEGISLATIVE DAY

Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 0152** -- Military -- Requires veterans' service officers be issued accreditation within certain time period. Amends TCA, Title 58, Ch. 3.

On motion, House Bill No. 152 was made to conform with Senate Bill No. 859.

On motion, **Senate Bill No. 859**, on same subject, was substituted for House Bill No. 152.

Rep. Hillis moved that **Senate Bill No. 859** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

WEDNESDAY, MARCH 6, 1991 -- EIGHTEENTH LEGISLATIVE DAY

House Bill No. 0174 -- Civil Service -- Authorizes preference points for veterans, including members of the reserve components, for military service during Operation Desert Shield or Operation Desert Storm. Amends TCA, Title 8, Ch. 30, Pt. 3.

On motion, House Bill No. 174 was made to conform with Senate Bill No. 157.

On motion, **Senate Bill No. 157**, on same subject, was substituted for House Bill No. 174.

Rep. Hillis moved that **Senate Bill No. 157** be passed on third and final consideration.

Rep. Hillis moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 157 by deleting Sections 2 and 3 in their entirety, and by substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 8-30-306(a)(1) and (4), are amended by deleting the words "or the Vietnam Conflict", and by substituting instead the words and punctuation "the Vietnam Conflict, the Lebanon Expedition, the Grenada Expedition, the Panama Expedition, or Operation Desert Storm".

SECTION 3. Tennessee Code Annotated, Section 8-30-306(a), is further amended by changing the period at the end of subdivisions (1) and (4) to a semi-colon and adding the following language:

provided further, however, for purposes of establishing preference points for the Lebanon Expedition, the Grenada Expedition, or the Panama Expedition, points shall be awarded only to veterans who received the "Armed Forces Expeditionary Medal".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Rhinehart moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Hillis moved that **Senate Bill No. 157**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 0284 -- Firearms and Ammunition -- Authorizes disposition of confiscated weapons in same manner that sheriffs dispose of weapons. Amends TCA 39-17-1317, 1318.

Rep. Rhinehart moved that House Bill No. 284 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 0679 -- Criminal Offenses -- Redefines "arson". Amends TCA 39-14-301.

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On motion, House Bill No. 679 was made to conform with Senate Bill No. 200.

On motion, **Senate Bill No. 200**, on same subject, was substituted for House Bill No. 679.

Rep. Rhinehart moved that **Senate Bill No. 200** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odum, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MOTION TO RECESS

On motion of Rep. Tindell, the House recessed to allow Coach Majors and players to come to the well for presentation of House Joint Resolution No. 115.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

House Bill No. 0170 -- Utilities, Utility Districts -- Permits damages for fraudulent use of any utility. Amends TCA 65-35-104.

On motion, House Bill No. 170 was made to conform with Senate Bill No. 144.

WEDNESDAY, MARCH 6, 1991 -- EIGHTEENTH LEGISLATIVE DAY

On motion, **Senate Bill No. 144**, on same subject, was substituted for House Bill No. 170.

Rep. Rhinehart moved that **Senate Bill No. 144** be passed on third and final consideration.

Rep. Rhinehart moved that **Senate Bill No. 144** be reset to the Calendar for Thursday, March 7, 1991, which motion prevailed.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Love, **House Bill No. 377** was recalled from the Judiciary Committee.

On motion of Rep. Love, **House Bill No. 377** was withdrawn from the House.

On motion of Rep. Joyce, **House Bill No. 462** was recalled from the State and Local Government Committee.

On motion of Rep. Joyce, **House Bill No. 462** was withdrawn from the House.

On motion of Rep. Joyce, **House Bill No. 464** was recalled from the Judiciary Committee.

On motion of Rep. Joyce, **House Bill No. 464** was withdrawn from the House.

On motion of Rep. Crain, **House Bill No. 538** was recalled from the Transportation Committee.

On motion of Rep. Crain, **House Bill No. 538** was withdrawn from the House.

On motion of Rep. Liles, **House Bill No. 634** was recalled from the Commerce Committee.

On motion of Rep. Liles, **House Bill No. 634** was withdrawn from the House.

On motion of Rep. Liles, **House Bill No. 718** was recalled from the Commerce Committee.

On motion of Rep. Liles, **House Bill No. 718** was withdrawn from the House.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 53: Rep(s). Buck and Robinson (Davidson) as prime sponsor(s).

House Bill No. 54: Rep(s). Windle as prime sponsor(s).

House Bill No. 157: Rep(s). Holt as prime sponsor(s).

House Bill No. 174: Rep(s). Arriola, Bell, Bragg, Callicott, Chumney, Cole, Curlee, Dixon, Fowlkes, Givens, Haley, Hargrove, Hassell, Haun, Head, Hill, Holt, Johnson, Joyce, Kisber, Liles, Love, McKee, Meyer, Moore, Napier, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Tindell, Turner (Hamilton), Venable, Walley, Whitson, Williams (Shelby), Williams (Union) and Wood as prime sponsor(s).

House Bill No. 183: Rep(s). Davidson as prime sponsor(s).

House Bill No. 184: Rep(s). Davidson as prime sponsor(s).

House Bill No. 778: Rep(s). Givens as prime sponsor(s).

House Bill No. 789: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 912: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 913: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 914: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 929: Rep(s). Dixon as prime sponsor(s).

House Bill No. 999: Rep(s). Ridgeway as THE prime sponsor.

House Bill No. 1005: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 1104: Rep(s). West as prime sponsor(s).

House Bill No. 1106: Rep(s). Herron as prime sponsor(s).

House Bill No. 1127: Rep(s). Dixon as prime sponsor(s).

House Bill No. 1134: Rep(s). Dixon as prime sponsor(s).

House Bill No. 1173: Rep(s). Dixon as prime sponsor(s).

House Bill No. 1292: Rep(s). Peroulas Draper as prime sponsor(s).

WEDNESDAY, MARCH 6, 1991 -- EIGHTEENTH LEGISLATIVE DAY

House Bill No. 1409: Rep(s). Armstrong, Bittle, Hill, Peroulas Draper, Severance, Tindell as prime sponsor(s).

House Bill No. 1410: Rep(s). Pruitt as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Jackson was removed as sponsor of **House Bill No. 999.**

On motion, Rep. Curlee was removed as sponsor of **House Bill No. 1458.**

COMMUNICATION

February 28, 1991

Chief Clerk's Office
House of Representatives
Tennessee State Senate
Capitol
Nashville, TN 37219

RE: Amendment to Proposed Tennessee Rules of Civil
Procedures

Dear Sirs:

Attached hereto please find a certified copy of an order signed by the Honorable Lyle Reid, Chief Justice of the Tennessee Supreme Court, dated and filed February 28, 1991, in the office of A. B. Neil, Jr., Clerk of the Supreme Court in Nashville, Tennessee.

Pursuant to Tennessee Code Annotated 16-3-402, et seq., on behalf of the Chief Justice of the Supreme Court of Tennessee, I hereby file with your office said order.

If you have any question, please advise.

With kindest personal regards, I remain

Very sincerely yours,
/s/Cletus W. McWilliams
Executive Secretary to the
Tennessee Supreme Court

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

WEDNESDAY, MARCH 6, 1991 -- EIGHTEENTH LEGISLATIVE DAY

House Joint Resolution No. 0116 -- Memorials, Death -- Billy Joe Bates. by *Liles, *Bragg.

Referred by the Speaker to the Calendar and Rules Committee.

***House Joint Resolution No. 0117** -- General Assembly, Statement of Intent or Position -- Establishes policy concerning proportional representation for African Americans on governing boards of various public libraries. by *King, *Love, *Pruitt, *Jones R, *Turner L, *Dixon, *Jones U.

Referred by the Speaker to the State and Local Government Committee.

***House Joint Resolution No. 0118** -- General Assembly, Statement of Intent or Position -- Expresses position concerning allocation of any additional funding for indigent health care. by *Pruitt, *Armstrong, *King, *Turner L, *Dixon.

Referred by the Speaker to the Health and Human Resources Committee.

***House Joint Resolution No. 0119** -- Memorials, Government Officials -- Directs study for providing of day care reimbursement for working couples willing to be foster parents. by *Armstrong, *King, *Pruitt, *Turner L, *Dixon.

Referred by the Speaker to the Health and Human Resources Committee.

***House Joint Resolution No. 0120** -- Memorials, Government Officials -- Directs study regarding additional funding for child abuse prevention. by *Pruitt, *Armstrong, *King, *Turner L, *Dixon.

Referred by the Speaker to the Health and Human Resources Committee.

***House Joint Resolution No. 0121** -- General Assembly, Statement of Intent or Position -- Expresses that adequate funding resources be provided to assist and encourage indigent families working to improve economic independence and quality of life. by *Pruitt, *Armstrong, *King, *Turner L.

Referred by the Speaker to the Health and Human Resources Committee.

***House Joint Resolution No. 0122** -- General Assembly, Statement of Intent or Position -- Expresses position relative to minority representation on various community health agency boards. by *Dixon, *Turner L, *Pruitt, *DeBerry.

Referred by the Speaker to the Health and Human Resources Committee.

House Joint Resolution No. 0123 -- Memorials, Sports -- Nicole Ruth Hopson, NCAA, Southern Conference top scorer. by *Whitson.

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Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0104 -- Memorials, Public Service -- Rock-Tenn Company.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0107 -- Memorials, Recognition and Thanks -- Kathryn Passons.

Referred by the Speaker to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1526 -- Columbia -- Revises charter relative to police. Amends Chapter 380, Private Acts of 1972, as amended. by *Napier.

Passed first consideration.

House Bill No. 1527 -- Blount County -- Expands jurisdiction of general sessions court judge. Amends Chapter 345, Private Acts of 1947, as amended. by *Anderson, *Huskey.

Passed first consideration.

House Bill No. 1529 -- Clarksville -- Revises election of mayor and aldermen. Amends Chapter 292, Private Acts of 1957, as amended. by *Head, *Knight.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

On motion, the bills listed were introduced and passed first consideration:

Senate Bill No. 1320 -- Madison County -- Adds certain sheriff's department positions for classified service category. Amends Chapter 54, Private Acts 1983.

Passed first consideration.

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SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 0011** -- Education -- Revises hearing requirement for suspension of students for certain periods. Amends TCA 49-6-3401. (HB 0786).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0207** -- Taxes, Real Property -- Clarifies redemption rights of persons with interest in property sold for nonpayment of taxes. Amends TCA, Title 66, Ch. 8; Title 67, Ch. 5. (HB 1214).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0278** -- Sewage -- Revises dates for certain types of subsurface sewage disposal system permits. Amends TCA, Title 68, Ch. 13, Pt. 4. (HB 0472).

Held pending third consideration of companion House Bill.

Senate Bill No. 0329 -- Sunset Laws -- Extends termination date of pest control compact. Amends TCA, Title 4, Ch. 29; Title 43, Ch. 6. (*HB 0249).

Held pending third consideration of companion House Bill.

Senate Bill No. 0331 -- Sunset Laws -- Extends termination date of local education insurance committee. Amends TCA, Title 3, Ch. 9; Title 4, Ch. 29; Title 8, Ch. 27; Title 9, Ch. 8. (*HB 0259).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0421** -- Auctions and Auctioneers -- Adds certain grounds for which license may be denied, suspended or revoked. Amends TCA, Title 55, Ch. 17, Pt. 1, 62-19-112. (HB 0509).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0478** -- Election Laws -- Expands eligibility for absentee voting. Amends TCA 2-6-102. (HB 0995).

Held pending third consideration of companion House Bill.

Senate Bill No. 0484 -- Consumer Protection -- Requires time share promoters to disclose certain information. Amends TCA 66-32-133. (*HB 0186).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0507** -- Adoption -- Requires investigation when

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proposed parents are indigent. Amends TCA, Title 36, Ch. 1. (HB 0905).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0515** -- Motor Vehicles, Titling and Registration -- Provides for staggered registration and renewal dates for handicapped plates. Amends TCA, Title 55, Chs. 4, 21. (HB 0554).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0594** -- Sexual Offenses -- Revises law concerning certain sexual offenses. Amends TCA, Title 39, Ch. 13, Pt. 5, 39-13-501, 511. (HB 1075).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0596** -- Criminal Offenses -- Expands offense and punishment of aggravated assault and reckless homicide. Amends TCA 39-13-102; Title 39, Ch. 13, Pt. 2. (HB 1074).

Held pending third consideration of companion House Bill.

Senate Bill No. 0622 -- County Officers -- Includes Grainger County in qualifications of chief administrative officer of county road department. Amends TCA, 54-7-104. (HB *0352).

Held pending third consideration of companion House Bill.

Senate Bill No. 0761 -- Municipal Government -- Broadens statutory authority governing security of surplus funds investments by municipalities and utility districts. Amends TCA 6-56-106, 7-82-108. (*HB 0439).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0769** -- Alcoholic Beverage Commission -- Expands enforcement authority. Amends TCA, Title 57, Ch. 1. (HB 0775).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0792** -- Telecommunications -- Requires hearing on complaints of telephone service and rates. Amends TCA, Title 65, Ch. 4. (HB 0681).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0866** -- Election Laws -- Authorizes run-off elections in municipal elections under certain circumstances. Amends TCA 2-8-111, 6-53-104. (HB 0751).

Held pending third consideration of companion House Bill.

WEDNESDAY, MARCH 6, 1991 -- EIGHTEENTH LEGISLATIVE DAY

Senate Bill No. 0910 -- Election Laws -- Excludes Davidson County election commission from having to provide duplicate printout containing names and addresses of all eligible voters at polling place. Amends TCA 2-5-216. (*HB 0598).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0914** -- Right to Die -- Removes prohibition against directing withdrawal of nourishment or fluids in living wills and durable powers of attorney. Amends TCA 32-11-103, 34-6-204. (HB 1127).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0924** -- Traffic Safety -- Removes warning citation for violation of safety belt law. Amends TCA 55-9-603. (HB 0873).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1015** -- Civil Procedure -- Permits court to add wrongful death recovery to existing trust. Amends TCA 20-5-106. (HB 1423).

Held pending third consideration of companion House Bill.

Senate Bill No. 1205 -- Pensions and Retirement Benefits -- Allows teaching at U.S. military facilities to be creditable service. Amends TCA, Title 8, Chs. 34--36. (*HB 0565).

Held pending third consideration of companion House Bill.

Senate Bill No. 1462 -- Trenton -- Revises salary of mayor. Amends Chapter 551, Acts of 1903, as amended. (HB 1386).

Held pending third consideration of companion House Bill.

RULES SUSPENDED

Rep. Davis (Knox) moved that the rules be suspended for the purpose of introducing House Resolution No. 25 out of order, which motion prevailed.

House Resolution No. 0025 -- Memorials, Recognition and Thanks -- Loy L. Smith. by *Davis J K, *Peroulas Draper, *Severance, *Hill, *Bittle.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Davis (Knox), the resolution was adopted.

A motion to reconsider was tabled.

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HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 1520 -- Centertown -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1525 -- Chapel Hill -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

ENGROSSED BILLS

March 6, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 115; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 6, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 327, 328 and 1333; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 6, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 284; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

March 6, 1991

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative

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delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 782, 859, 870, 1493, 1495, 1496, 1504, 1508, 1520 and 1525.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
March 6, 1991**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, March 11, 1991: House Joint Resolution(s) No(s). 116 and 123; House Bill(s) No(s). 782, 859, 870, 1493, 1495, 1496, 1504, 1508, 1520 and 1525; also, Senate Joint Resolution(s) No(s). 104 and 107.

PHILLIPS, Chair.

**MESSAGE FROM THE SENATE
March 6, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 115; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**ENROLLED BILLS
March 6, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 115; also, House Resolution(s) No(s). 25; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
March 6, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 421; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE
March 6, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 88, 186, 569 and 1274; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
March 6, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 38 and 52; also, House Joint Resolution(s) No(s). 74, 105 and 108; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
March 6, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 310, 799, 1016, 1076, 1155 and 1397; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0310** -- Driver Licenses -- Extends validation period of driver licenses; increases fee; requires certain testing on renewals. Amends TCA, Title 55, Ch. 50, Pt. 3. by *Cohen, McKnight.

***Senate Bill No. 0799** -- Hazardous Materials -- Establishes method for determining large or small generator; allows exemptions. Amends TCA, Title 68, Ch. 46. by *Montgomery.

***Senate Bill No. 1016** -- Attorneys at Law -- Enumerates powers which may be incorporated by reference into a general power of attorney. Amends TCA, Title 34, Ch. 6. by *Gilbert, *Atchley.

***Senate Bill No. 1076** -- Antique Dealers -- Permits use and possession of antique slot machines under certain circumstances. Amends TCA, Title 39, Ch. 17, Pt. 5. by *Cohen, Springer.

Senate Bill No. 1155 -- County Officers -- Increases sheriff or constable fees for certain services. Amends TCA, Title 8, Ch. 21. by *Cooper.

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Senate Bill No. 1397 -- Highways, Roads and Bridges -- Clarifies responsibility for maintenance of interstate, state and public highways and bridges; limits jurisdiction of claims commission for claims of negligence. Amends TCA 9-8-307, 54-4-406, 54-4-508, 54-5-507. by *Darnell, *Cooper, *McKnight.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, March 7, 1991.